

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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Teriana Jones and Bethany Morrissey  
On behalf of themselves and a class  
of employees and/or former employees  
similarly situated,

Case No: 17-CV-125

Plaintiffs,

vs.

Cruisin' Chubbies Gentlemen's Club, et al.

Defendants.

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**DECLARATION OF TERIANA JONES IN SUPPORT OF PLAINTIFFS'  
MOTION FOR CONDITIONAL CERTIFICATION AND JUDICIAL  
NOTICE**

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I, Teriana Jones, declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. That I am a former dancer at the Defendants' Cruisin' Chubbies Gentlemen's Club and Resort (hereinafter the "Club").
2. That the purpose of this declaration is to show the Court that I and other exotic dancers at the Club are victims of the same common policies and procedures that violate state and federal wage and hour laws.
3. That I worked as an exotic dancer since 2008 and specifically at Cruisin' Chubbies from 2014 – 2016.
4. During my two years at the Club, I learned how the Club operates and how dancers are paid.
5. We are required to arrive at the Club around 4:00 p.m. p.m. even though the Club does not open to the public until 5:00 p.m.

6. On the weekday nights, the club is open until 1:30 a.m. or 2:00 a.m., depending on how busy we are.

7. On weekend nights, Friday and Saturday, the Club is open until at 2:30 a.m. Sometimes those later hours will occur on Thursday nights as well.

8. James Ewert is in charge of scheduling and firing.

9. On the weekday nights, Defendants typically schedule between 12-20 dancers during the summer months, depending on if there are any events.

10. During the winter, usually around 7-11 dancers are on hand.

11. In order to be able to work the weekends, which are much more profitable, we have to work 2 shifts during the week. James is the one who verifies if we have worked the required two nights.

12. We are expected to be ready to work around 5:00 p.m., wearing bikini-like clothing and high heels. We must arrive very early to meet our expected look, which includes hair, makeup, nails, eye lashes, and perfume. The owners will also give us a hard time if we are not tan enough.

13. The dancers that choose to get ready at home and show up late will be fined.

14. James uses a black binder to check us in at the start of our shift by writing down our names and the exact time we appear.

15. If a dancer fails to clock in for her shift by 5:00 p.m., the Defendants impose a late fee which comes out of our tips.

16. The Defendants increase the dancers' tip-out fees by \$10.00 for each portion of an hour she is late. It is common knowledge that the Club's clock is set ahead to trap us into being late and paying additional fines.

17. Once a dancer has clocked in, she moves onto the main floor.

18. The Club's building has three levels where dancers work: the main (ground level) floor, which has two three-pole stages, an upstairs "VIP lounge" with a one-pole stage, and a downstairs area, where private dances are conducted.

19. When all the dancers are on the floor at the beginning of the night, James and Dave will make a list of dancers and provide it to the club DJ.

20. The DJ typically calls the dancers out in the order in which the names were written by Dave and James. The DJ will however move girls around based upon his preference. We do not have a say on when we dance.

21. During the weekend nights, Defendants require each dancer to dance onstage for two songs during her rotation.

22. During the weekdays, Defendants require dancers to dance on stage for three songs during her rotation.

23. Defendants require all dancers to remove all their clothing while dancing on stage. In the past, dancers have been scolded, fined and even fired for not complying.

24. Defendants usually do not allow customers on stage unless approved by the owners.

25. Dancers earn money on stage by collecting dollar tips that customers drop on the stage or give her while she is dancing.

26. Defendants allow dancers to keep all of their tips they receive from stage dancing, subject to the nightly required tip-out.

27. If a dancer is not dancing on-stage, Defendants require her to “work the floor,” soliciting private dances with customers and enticing them to purchase drinks.

28. Defendants have strict rules regarding how dancers must work the floor.

29. Defendants do not allow dancers to sit on customers laps while working the floor.

30. Defendants do not allow dancers to drink shots of alcohol while working on the floor, unless the Club manager, David Sullivan, approves.

31. Defendants generally do not allow dancers to remove their bottoms while working the floor.

32. Defendants do not allow dancers to have their pictures taken while working the floor.

33. Defendants do not allow dancers to give private dances on the floor, but rather require dancers to conduct any private dances on the lower level of the Club.

34. If a customer wants to buy a private dance with a dancer, the Defendants require the dancer to take the customer to the lower level of the Club.

35. Defendants have established four types of private dances a dancer may perform, and prices for each:

- A. Topless Private Dance - \$20.00
- B. Topless and Bottomless Private Dance - \$40.00
- C. Shower Dance - \$170.00
- D. VIP Dance - \$320.00

36. Defendants do not allow dancers to offer any other types of private dances. However, some bouncers will be paid on the side to allow customers to pay for extra services.

37. Defendants do not allow dancers to charge different rates from the Club's established prices for private dances, nor do dancers have any ability to negotiate the rates established by the Club.

38. Defendants establish time limits for each type of private dance:

- A. Topless Private Dance – 1 song
- B. Topless and Bottomless Private Dance – 1 song
- C. Shower Dance – 3 songs
- D. VIP Dance – 30 minutes

39. The customer pays the dancer each private dance fee when they arrive at the lower level of the Club.

40. Upon receipt, the Club requires the dancer to deliver the entire private dance fee to the bouncer in charge of the lower level.

41. The Defendants require the dancer to then sign her name in the black binder maintained by the bouncer.

42. The bouncer then gives the dancer a ticket or receipt, and she conducts the dance for the customer under the supervision of the bouncers.

43. If a customer desires a consecutive private dance, the dancer must repeat the process above.

44. When a dancer finishes the private dance, she returns to the floor to solicit more private dances or to be called onstage by the DJ.

45. At the end of the night, the dancers return to the changing room to change back into their street clothes and to gather their things. The DJ then hands each dancer a white envelope.

46. Each dancer's tip-out fee is written on the front of the white envelope. The dollar amount depends on how busy the night was for the Club.

47. Each dancer must put her tip-out fee into the envelope and return it to the DJ.

48. Defendants require dancers to use their tip money earned while dancing onstage to pay the tip-out fee.

49. If a dancer cannot pay the tip-out, she must come up with her own money to pay it.

50. If a dancer does not pay the required tip-out, the Defendants do not allow her to dance again at the Club until she does pay it.

51. After changing and paying their tip-out at the end of the night, dancers return to the floor.

52. The Defendants do not allow dancers to return to the floor until all customers have left, however.

53. Once all customers have left the building and the parking lot, the Defendants allow the dancers to go home.

54. The Defendants pay dancers for their weekly work on Saturday nights, however.

55. On Saturday nights, after the Club closes and the dancers have paid their tip-outs and changed, the dancers congregate on the main level floor.

56. The dancers must wait on the main floor until the Defendants are ready to pay them, this can be anywhere from 3:30 a.m. to 5:00 a.m.

57. Once the Defendants are ready, the dancers are called to the upper level one at a time.

58. If a dancer is called, she ascends the steps to the upper level, where a chair is placed for her.

59. There is a desk on the upper floor where the manager, Dave Sullivan, sits to make payment.

60. Oftentimes, there will be multiple Defendants present to supervise the payout.

61. Dave uses the black binder to review the number and types of dances performed by the dancer, and pays her 50% of the fees collected for each dance.

62. The Defendants keep the other 50% of the money, depositing it into a blue bank bag.

63. The dancers do not have any say in the 50/50 split, and there are no negotiations in that regard. 50/50 is the Club rule and it applies to all dancers.

64. The Defendants do not pay dancers any other money or remuneration.

65. Defendants classify dancers as independent contractors, and therefore do not pay dancers minimum wage or overtime, nor do they give dancers a W-2 form at the end of the year.

66. But Defendants refuse to provide dancers with receipts or a 1099 form as well.

67. There are no alternative ways to make money at the Club. All dancers are scheduled the same way, paid the same way, and all dancers are subject to the same Club rules without exception or negotiation.

68. Because the Defendants treat dancers uniformly, and because all dancers are subject to the same unlawful Club rules and practices, I believe I can

represent the interests of all similarly situated dancers, and therefore request that the Court grant Conditional Certification of this case.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct.

Dated this 18<sup>th</sup> day of August, 2017

/s/ Teriana Jones  
Teriana Jones